

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARCHER AND WHITE SALES, INC.,

Plaintiff,

V.

HENRY SCHEIN, INC., DANAHER CORPORATION, INSTRUMENTARIUM DENTAL INC., DENTAL EQUIPMENT LLC, KAVO DENTAL TECHNOLOGIES, LLC AND DENTAL IMAGING TECHNOLOGIES CORPORATION,

Defendants.

CIVIL ACTION NO.:
2:12-CV-00572-JRG-RSP

**DECLARATION OF KAY LYNN BRUMBAUGH IN
SUPPORT OF PLAINTIFF ARCHER AND WHITE SALES, INC.'S
RESPONSE IN OPPOSITION TO MANUFACTURER DEFENDANTS'
MOTION TO COMPEL ARBITRATION AND STAY ALL PROCEEDINGS**

I, Kay Lynn Brumbaugh, make the following declaration based upon personal knowledge of the matters set forth herein.

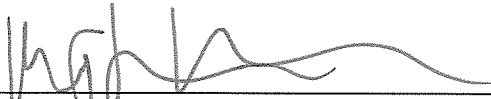
1. I am a partner in the Dallas office of Andrews Kurth LLP, counsel for Plaintiff Archer and White Sales, Inc. in the above-captioned case.

2. Attached as Exhibit 1 to this Declaration is a true and correct copy of a Dealer Agreement dated as of May 11, 2009 between Dental Equipment LLC, doing business as Pelton & Crane, and Archer & White Sales.

3. Attached as Exhibit 2 to this Declaration are true and correct copies of correspondence dated May 9, 2012 and August 27, 2012 to Archer & White Sales from Kirk Zambetti, VP of Sales for KaVo, Gendex, Pelton & Crane, Marus and DCIE, and John Franz, VP & General Manager for Instrumentarium Dental, NA. The agreement referenced in the

correspondence is not attached in an abundance of caution because it contains a confidentiality provision.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on October 10, 2012 in Dallas, Texas.



KAY LYNN BRUMBAUGH